

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

In re:	§	CASE NO. 16-10395
	§	
Blanca L. Ortiz	§	
Debtors	§	CHAPTER 13

DEBTOR'S AMENDED MOTION TO MODIFY CONFIRMED PLAN

This motion seeks an Order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the Court may consider evidence at the Hearing and may decide the motion at the Hearing. Represented parties should act through their Attorney.

A Hearing on this proposed Modification is scheduled for September 6, 2017 at 9:30 a.m. in the United States Bankruptcy Court Courtroom # 5 located at 600 East Harrison Street, Brownsville Texas 78520.

The Debtor(s) file this Motion to Modify their confirmed plan.

- 1. HISTORY OF CASE.** This case was filed on November 23, 2016. The plan was confirmed on February 8, 2017. The plan has previously been modified by order(s) entered on the following dates:
- 2. REASON FOR MODIFICATION.** The Debtor is modifying the chapter 13 plan to bring the chapter 13 plan payments current. The Debtor fell behind because she had unexpected medical issues due to a fallen bladder. She incurred additional medical expenses. She will amend her wage order to make the increased modified plan payment.

In consideration of these new events and the Debtor's positive financial situation, the Debtor would show that this modification is filed in a good faith attempt to reorganize under Chapter 13 of the United States Bankruptcy Code.

3. **PLAN PAYMENTS UNDER CONFIRMED PLAN.**¹ The current plan (as modified through this date) requires payments as follows:

A. Months: 1-60 Payment: \$1,475.00

4. **PAYMENTS PREVIOUSLY MADE.** As of the date this motion was filed, the Debtor(s) have made payments to the chapter 13 trustee totaling \$7,500.00. Attached as Exhibit “A” is a schedule of all amounts received by the chapter 13 trustee.

5. **FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED).**¹ The proposed modified plan requires future payments as follows:

A. Months: 1-9 (December 2016-August 2017) Payment: \$833.39
B. Months: 10-60 (Sept. 2017-November 2021) Payment: \$1,680.00

The modified plan and plan cover sheet are attached hereto as Exhibit “B”.

6. **CURRENT DEFAULTS.** The Debtor(s) currently in default on payments to the chapter 13 trustee as follows:

Dollar amount in default:	<u>\$5,775.00</u>
Number of months in default:	<u>3.92</u>
Last payment made:	<u>08/9/17</u>
Amount of last payment:	<u>\$1,575.00</u>

7. **PROPOSED PLAN MODIFICATIONS:**

- A. All payment defaults set forth in paragraph 6 are cured by this modification.
- B. The Debtor is modifying the chapter 13 plan to bring the chapter 13 plan payments current. The Debtor fell behind because she had unexpected medical issues due to a fallen bladder. She incurred additional medical expenses. She will amend her wage order to make the increased modified plan payment.

¹ Completion of paragraphs 3, 4 and 5 satisfies the requirement of BLR 3015(d)(3) for a side-by-side table

C. INTERIM PAYMENTS. Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the Court.

8. **BUDGET.** The Debtor's schedules "I" and "J" that the Debtor(s) request to be considered with this modification are attached as exhibit "C".

9. **ATTORNEYS' FEES (Check one):**

 X Debtor(s)' counsel shall be paid \$600.00 as a fixed fee for this modification. This box may not be checked if the modification was proposed within 120 days of the date on which the plan was confirmed.

/s/ Blanca L. Ortiz

Blanca L. Ortiz

Date: 8/29/17

Respectfully submitted,

OLIVA LAW
223 W. Nolana Ave.
McAllen, Texas 78504
(956) 683-7800 phone
(956) 868-4224 fax

By: /s/ Marcos D. Oliva
Marcos D. Oliva
marcos@oliva.law
SBOT 24056068
Federal I.D. 948435
Leigh Ann Tognetti
leighann@oliva.law
SBOT 24083579
Federal I.D. 2817994
Jana Smith Whitworth
jana@oliva.law
SBOT 00797453
Federal I.D. 20656
ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

I hereby certify that the foregoing MOTION TO MODIFY A CONFIRMED PLAN was served on August 129, 2017. Service was accomplished by the method and to the following as indicated.

/s/ Marcos D. Oliva

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL, POSTAGE PREPAID:

U.S. TRUSTEE:
606 N. Carancahua, Ste. 1107
Corpus Christi, Texas 78401

CHAPTER 13 TRUSTEE:
Cindy Boudloche
555 N. Carancahua Ste. 600
Corpus Christi, Texas 78478

DEBTOR:
Blanca Lynn Ortiz
2219 N. 1st Street
Harlingen, TX 78550

To all parties requesting notice and to all creditors on the mailing matrix.

Debtor(s): Blanca Lynn Ortiz

Case No: 16-10395

Chapter: 13

SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION
ON 08/29/17 09:58:10pm

American Express American Express Special Research PO Box 981540 El Paso, TX 79998	Linebarger Goggan Blair & Sampson P O Box 17428 Austin, TX 78760-7428	US Dept Of Education Attn: Borrowers Service Dept PO Box 5609 Greenville, TX 75403
Bank Of America Po Box 982238 El Paso, TX 79998	Lowes / MBGA / GEMB Attention: Bankruptcy Department PO Box 103104 Roswell, GA 30076	Wells Fargo Card Services 1 Home Campus 3rd Floor Des Moines, IA 50328
Barrett Daffin Frappier Turner 15000 Surveyor Blvd, Suite 100 Addison, Texas 75001	Marcos D. Oliva, PC 223 W. Nolana McAllen, TX 78504	Wells Fargo Home Mortgage Po Box 10335 Des Moines, IA 50306
Citibank SD, NA Attn: Centralized Bankruptcy PO Box 20507 Kansas City, MO 64195	Regional Finance - McAllen 509 S. Bicentennial Blvd McAllen, TX 78501	
Creditors Service Bureau c/o Anes 2370 Central Blvd Brownsville, TX 78520	Sarma Coll c/o MED 1 1801 Broadway St San Antonio, TX 78215	
Discover Financial Attention: Bankruptcy Department PO Box 3025 New Albany, OH 43054	Sears/Robbin Po Box 6282 Sioux Falls, SD 57117	
Hidalgo County Tax Office c/o John T. Banks Perdue, Brandon, Fielder, Collier 3301 Northland Drive, Ste 505 Austin, TX 78731	Security Service-Insurance PO Box 691510 San Antonio, TX 78269	
Hidalgo ISD c/o John T. Banks Perdue, Brandon, Fielder, Collier 3301 Northland Drive, Ste. 505 Austin, TX 78731	South Texas College Linebarger Gogan Blair & Sampson P.O. Box 17428 Austin, TX 78760-7428	
International Bank of America 1 S Broadway St McAllen, TX 78501	South Texas ISD c/o Diane W. Sanders Linebarger Goggan Blair Sampson 2700 Via Fortuna Dr Ste 400 POB Austin, TX 78760-7428	
John T. Banks Perdue, Brandon, Fielder, Collier 3301 Northland Drive, Ste. 505 Austin, Texas 78731	The Stone Law Firm, P.C. 4900 N. 10th St. Northtowne Centre, A-2 McAllen, TX 78504	